

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

AMERICAN NUCLEAR RESOURCES

and

Cases 7--CA--37763
7--CA--39099

INDIANA AND MICHIGAN POWER COMPANY

and

LOCAL 324, INTERNATIONAL UNION
OF OPERATING ENGINEERS, AFL-CIO

Richard Czubaj, Esq.

(Detroit, Michigan) for
the General Counsel.

Kevin McCarthy, Esq.

(Miller, Canfield, Paddock &
Stone, Kalamazoo, Michigan)
for the Respondent, American
Nuclear Resources.

Phillip Carson, Esq.

(Miller, Carson, Boxberger &
Murphy, Ft. Wayne, Indiana)
for the Respondent, Indiana and
Michigan Power Company.

DECISION

1. JERRY M. HERMELE, Administrative Law Judge. On October 5, 1997, the General Counsel filed a motion to withdraw its complaint in the above-captioned proceeding and to dismiss the underlying charges. No responsive pleadings were filed to the General Counsel's motion. For the reasons discussed below, the motion will be granted.

2. By way of background, charges were filed on October 10, 1995 against American Nuclear Resources (ANR), and on November 30, 1995 against ANR and the Indiana and Michigan Power Company (I&M). Thereafter, on January 29, 1996, the General Counsel issued its complaint against ANR and I & M alleging that two employees--Mike Shepherd and Bob Mueller--were laid off in violation of Section 8(a)(1) and (3) of the National Labor Relations Act. Both Respondents filed answers to the Complaint. Then, on December 20, 1996, an amended complaint was issued alleging that both Respondents further violated the Act by

refusing to consider Shepherd and Mueller for recall. Again, ANR and I & M denied this allegation.

3. The hearing in this case commenced on May 29, 1997 in St. Joseph, Michigan. Shortly after the opening of the record, however, the parties reached a settlement whereby Mueller would be reinstated and receive \$2,000. The terms of this non-Board settlement were effectuated several months later and, in return, the General Counsel filed its instant motion.

4. Because all of the terms of the settlement reached at the hearing on May 29, 1997 have been met, good cause exists to grant the General Counsel's motion. Accordingly, pursuant to Section 101.9(d)(1) of the Board's Rules, the October 10, 1995, November 28, 1995, November 30, 1995, October 15, 1996, October 18, 1996 and December 18, 1996 charges are dismissed; the January 29, 1996 and December 20, 1996 complaints are withdrawn, and this proceeding is terminated.

Dated, Washington, D.C. October 22, 1997

Jerry M. Hermele
Administrative Law Judge